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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/679,290	10/07/2003	Chle Shishido	501.43127X00	4011

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EXAMINER
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LIEW, ALEX KOK SOON

ART UNIT	PAPER NUMBER
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2624

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/20/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/679,290	<b>Applicant(s)</b> SHISHIDO ET AL.	
	<b>Examiner</b> Alex Liew	<b>Art Unit</b> 2624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 07 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1 – 4 and 8 – 10 are rejected under 35 U.S.C. 102(e) as being anticipated by Houge (US pat no 6,651,226).

With regards to claim 1, Houge discloses a method of measuring a three dimensional shape of a fine pattern formed on a substrate, comprising the steps of

- obtaining height information about the fine pattern by optically measuring the substrate (see fig 5 – 14, 26 and 32 – scatterometer obtains the height information of the substrate, col. 7 lines 39 – 51),
- obtaining electron beam image information about the fine pattern by imaging the substrate by means of an electron microscope (see fig 5 – 12 and 18 – electron microscope obtains an image of the substrate,  $I_1(x,y)$ , col. 6 lines 27 – 37) and
- measuring the three dimensional shape of the fine pattern by use of the height information and the electron beam image information (see fig 5 – 36 and 38 the image of the substrate and the height information of the substrate are combined

to obtain the shape of the substrate, which is in three dimensional, col. 7 lines 52 – 66)

With regards to claim 2, Houge discloses a method of claim 1, wherein a test pattern is formed on the substrate, and the height information about the fine pattern is obtained from height information about the test pattern determined by optically measuring the test pattern (see col. 7 lines 48 – 49 – the height information is obtained by scatterometry, which measures amount of light scatter on or surrounding sensor).

With regards to claim 3, Houge discloses a method of claim 1, wherein the height information about fine pattern is obtained from information obtained from scatterometry (see col. 7 lines 48 – 49).

With regards to claim 4, Houge discloses a method of claim 1, wherein the electron beam image information about the fine pattern includes plane information about the fine pattern (see fig 1 – is an example of a semiconductor wafer image taken by the electron microscope, which provides plane information) and side slope change information about the fine pattern (see fig 2A – provides the slope for each cross section of the wafer, which is located by the edge) and a three dimensional shape of the fine pattern is measured by combining the plane information and side slope change information with the height information about the fine pattern (see fig 5 – 34 where the electron beam

Art Unit: 2624

microscope image information and scatterometer height information are combined to create a three dimensional image, fig 5 – 16, col. 8 lines 49 – 55).

With regards to claim 8, see the rationale and rejection for claim 1. In addition, the first pattern is individually formed from each cross section, which is examined (see fig 7).

With regards to claim 9, see the rationale and rejection for claim 1.

With regards to claim 10, see the rationale and rejection for claim 4.

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Houge ('226) in view of official notice (MPEP 2144.03).

With regards to claim 11, Houge discloses a method of measuring a three dimensional shape of a fine pattern formed on a substrate, comprising the steps of

Art Unit: 2624

- obtaining height information about the fine pattern by optically measuring the substrate (see fig 5 – 14, 26 and 32 – scatterometer obtains the height information of the substrate, col. 7 lines 39 – 51),
- obtaining electron beam image information about the fine pattern by imaging the substrate by means of an electron microscope (see fig 5 – 12 and 18 – electron microscope obtains an image of the substrate,  $I_1(x,y)$ , col. 6 lines 27 – 37) and
- measuring the three dimensional shape of the fine pattern by use of the height information and the electron beam image information (see fig 5 – 36 and 38 the image of the substrate and the height information of the substrate are combined to obtain the shape of the substrate, which is in three dimensional, col. 7 lines 52 – 66)

Houge does not explicitly disclose displaying three-dimensional shape of the substrate on a screen. It is well known in the art to display three-dimensional shape of an object after the three-dimensional shape obtaining process (MPEP 2144.03). One skill in the art would want to display a three dimensional model of a semiconductor wafer substrate is because to show the user / operator any defect on the wafer, so the user / operator may take proper steps to correct the defect.

3. Claims 5 – 7 and 12 – 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Houge ('226) as applied to claim 1 further in view of Lorusso (US pat no 6,930,308).

Art Unit: 2624

With regards to claim 5, Houge discloses all of the claim elements / features as discussed above in rejection for claim 1 and incorporated herein by reference, but fails to disclose plurality of electron beam image information obtained by imaging substrate by changing incidence angle. Lorusso discloses electron beam image information about the fine pattern includes a plurality of electron beam image information obtained by imaging the substrate by changing the incidence angle of an electron beam of the electron microscope relative to the substrate (see fig 2 – a plurality of detectors are each arranged at different angles with respect to each other, to obtain imaging information, col. 5 lines 50 – 60). One skill in the art would include a plurality of electron beam detectors each positioned at an angle different from each other because to obtain the disparity between each obtained image in order to improve depth map and three dimensional image calculation of the object as compared to a single two dimensional image.

With regards to claim 6, an extension to rejection of claim 5, Lorusso also discloses the electron microscope comprises a plurality of reflected electron detectors, the electron beam image information about the fine pattern is information obtained from a plurality of electron beam images detected by the plurality of reflected electron detectors (see fig 14A and 14B – each rectangular cubed objects are deflectors, which detects electron beam, col. 5 lines 25 – 30).

Art Unit: 2624

With regards to claim 7, an extension to rejection of claim 6, Lorusso also discloses a three dimensional shape of the fine pattern is measured on the principle of photometric stereo processing by use of a plurality of the electron beam images detected by the plurality of reflected electron detectors (see fig 9 showing cross section signal received for each detectors at zero and two degrees, fig 10 shows cross sections for all the images obtained, fig 11 shows the resulting stereo image combined from all the individual signal received by the detectors).

With regards to claim 12, see the rationale and rejection for claims 5 and 11.

With regards to claim 13, see the rationale and rejection for claim 3.

With regards to claim 14, see the rationale and rejection for claim 5.

With regards to claim 15, see the rationale and rejection for claim 5.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alex Liew whose telephone number is (571)272-8623.

The examiner can normally be reached on 9:30AM - 7:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Mancuso can be reached on (571)272-7695. The fax phone



Art Unit: 2624

number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

**Alex Liew**  
**AU2624**  
**3/8/07**



JOSEPH MANCUSO  
SUPERVISORY PATENT EXAMINER